

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 11-33 are currently pending. Claims 1 and 11-20 have been amended; Claims 2-10 have been cancelled without prejudice or disclaimer; and Claims 21-33 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

The amended and newly submitted claims are supported by the originally filed specification at least at page 14, line 14 to page 16, line 18; page 20, line 9 to page 22, line 22; and page 23, line 10 to page 24, line 7.

In the outstanding Office Action, Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,092,952 to Wilens (hereinafter “the ‘952 patent”).

Amended Claim 1 is directed to an information transmission apparatus, comprising:

reception means for receiving first taste information that represents a taste of a user from a terminal apparatus of the user;

storage means for storing a plurality of taste information that represent respective tastes of a plurality of other users and attribute information corresponding to the plurality of other users;

search means for searching for second taste information having a resemblance to the first taste information from the plurality of taste information stored in the storage means;

retrieval means for retrieving at least the attribute information of the plurality of other users that correspond to the second taste information; and

transmission means for transmitting the retrieved attribute information to the terminal apparatus of the user.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the ‘952 patent is directed to a method for grouping computer subscribers by common preferences to establish non-intimate relationships. In particular, the ‘952 patent discusses a method of grouping

computer subscribers by common preferences, by utilizing an algorithm to establish non-intimate relationships by determining a level of similarity between computer subscribers.<sup>1</sup> As cited by the outstanding Office Action, the '952 patent discusses that "[t]o group the user with fellow subscribers, the user selects the 'create groups' heading 28 on the home page 14 of the website 12."<sup>2</sup> Once the group is created, the '952 patent discusses that "the group is viewed on a separate computer screen having the heading 'view groups' 30, as seen in FIG. 8."<sup>3</sup>

However, it is respectfully submitted that the '952 patent fails to disclose retrieval means for retrieving at least the attribute information *of the plurality of other users that correspond to the second taste information*; and transmission means for transmitting *the retrieved attribute information* to the terminal apparatus of the user. Rather, the '952 patent simply discusses that "[o]nce the user is grouped with at least two fellow subscribers, the group members and their common characteristics may be viewed."<sup>4</sup> The '952 patent does not disclose *retrieving* and *transmitting* attribute information *of the plurality of other users that correspond to the second taste information*.

Accordingly, it is respectfully submitted that Claim 1 patentably defines over the '952 patent.

Claim 11, recites in part,

a transmission step of transmitting at least attribute information  
of the other users that corresponds to the second taste  
information to the terminal apparatus of the user.

Claim 16, recites in part,

a reception step of receiving attribute information of the  
plurality of other users that corresponds to the second taste  
information, the attribute information being information that  
the predetermined apparatus that has received the first taste

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<sup>1</sup> See '952 patent, column 1, lines 8-13.

<sup>2</sup> Id. at column 6, lines 29-31.

<sup>3</sup> Id. at column 6, lines 55-57.

<sup>4</sup> Id. at column 9, lines 34-36.

information at least transmits after searching for second taste information having a resemblance to the first taste information from the plurality of taste information stored therein.

As noted above, the '952 patent fails to disclose the retrieval means and the transmission means recited in Claim 1. Thus, the '952 patent fails to disclose the information transmission method and the information reception method recited in Claims 11 and 16, respectively. Accordingly, it is respectfully submitted that Claims 11 and 16 (and all associated dependent claims) patentably define over the '952 patent.

The present amendment also sets forth new Claims 21-33 for examination on the merits. No new matter has been added.

New Claim 21 recites limitations analogous to the limitations recited in Claim 1, but in non-means-plus-function format. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, it is respectfully submitted that new Claim 21 (and all associated dependent claims) patentably define over the '952 patent.

New Claim 26, recites in part,

a reception unit configured to receive attribute information of the plurality of other users that correspond to the second taste information, the attribute information being information that the predetermined apparatus that has received the first taste information at least transmits after searching for second taste information having a resemblance to the first taste information from the plurality of taste information stored therein.

As noted above, the '952 patent fails to disclose the retrieval means and the transmission means recited in Claim 1. Thus, the '952 patent fails to disclose the terminal apparatus recited in Claim 26. Accordingly, it is respectfully submitted that Claim 26 (and all associated dependent claims) patentably defines over the '952 patent.

New Claims 31-33 recite limitations analogous to the limitations recited in Claim 1, although of differing class and/or scope. Accordingly, for reasons analogous to the reasons

stated above for the patentability of Claim 1, it is respectfully submitted that new Claims 31-33 patentably define over the '952 patent.

Thus, it is respectfully submitted that independent Claims 1, 11, 16, 21, 26, and 31-33 (and all associated dependent claims) patentably define over the '952 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Johnny Ma  
Registration No. 59,976